UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

February 28, 2011

Paul Nemanic
Hydrogeologist/Remediation Manager
Rhodia Inc.
CN7500, 8 Cedar Brook Drive
Cranbury, New Jersey 08512

Re: Polychlorinated Biphenyls (PCBs) –Conditional Approval of Rhodia's *Application for PCB Cleanup under 40 CFR 761.61(c), Former Stauffer Chemical Facility, 525 Maas Ave, Richmond, California, PN 185702246* (Application), dated January 11, 2011.

Dear Mr. Nemanic

The U.S. Environmental Protection Agency (USEPA) hereby approves the subject Application under the Toxic Substances Control Act (TSCA) regulations in 40 CFR§761.61(c), with the conditions established in this letter.

The Application included as attachments: an amendment to a Remedial Action Cleanup Plan, a sampling and analysis plan for post-excavation verification sampling, a human health risk assessment, an evaluation of the potential for the occurrence of threatened and endangered species at the Site, and certification by the property owner and the party conducting the cleanup. Also included, by reference, is a Remedial Action Workplan (RAW) for Cleanup of PCBs in Shallow Soils, Former Stauffer Chemical Facility, 525 Maas Avenue, Richmond, California, dated August 26, 2010. The RAW was previously submitted to USEPA by the applicant, was reviewed in support of this approval, and was modified as specified the Application.

USEPA's January 4, 2010 letter to Rhodia, Inc (Rhodia) stated that the nature and extent of PCBs present at the Rhodia's 525 Maas Avenue, Richmond property (the Site) have been characterized sufficiently to support the proposed remedial actions. PCBs are present in soils at the Site at concentrations greater than 1 mg/kg; the highest reported concentration was 72 mg/kg. PCBs are also present in concrete at the Site at concentrations greater than 1 mg/kg; the highest reported concentration was 29 mg/kg. The source of PCBs present at the Site is unknown and is not inferred by the irregular and discontinuous spatial distribution of soil and concrete PCB concentrations at the Site. The spatial distribution of PCB concentrations does not infer the presence of an ongoing source at or near the Site.

The Site was formerly used in the manufacture and formulation of chemicals, including phosphoric acid, and is currently vacant and unused. The anticipated future land use is commercial. USEPA understands that non-PCB chemical contamination, including arsenic, is also present at the Site and that the (California) San Francisco Bay Regional Water Quality

Control Board (RWQCB) is overseeing remediation of that contamination. We understand that the RWQCB is imposing a cleanup level of 22 mg/kg for arsenic in soil and is requiring a covenant restricting the future land use to non-residential use. We also understand that the land use covenant is in place to manage exposure to soils containing elevated levels of arsenic and that PCBs are not present at concentrations that substantially contribute to the overall toxicity of those soils.

In summary, this approval requires that Rhodia conduct the PCB cleanup activities described below:

- Cleanup of PCBs in accordance with the approved Application as modified by the conditions of this approval and consistent with the TSCA requirements in 40 CFR§761.61(c).
- Removal from the Site of soils and concrete containing greater than 1 mg/kg total PCBs and appropriate disposal as described in the Application.
- Cleanup verification sampling to confirm the achievement of the 1 mg/kg cleanup level as described in the Application.
- Preparation of a cleanup verification report
- Compliance with the procedural and record-keeping requirements of the Toxic Substances Control Act regulations in 40 CFR§761 Subparts 202 through 218 (Subpart K of Part 761)
- Compliance with all applicable Federal, State and local requirements for hazardous waste management

Risk Evaluation

USEPA believes that cleanup of PCBs in soils at the Site to the required level of 1 mg/kg and resultant residual concentrations will leave the Site in a condition that would not present an unreasonable risk of injury to health or the environment. If this 1 mg/kg soil PCB cleanup level is achieved at the Site, USEPA will not require land use restrictions. The 1 mg/kg cleanup level is based on the risk assessment presented in the Application.

The risk assessment presents the calculation of an excess lifetime cancer risk estimate of 3×10^{-6} (three-in-one million probability) associated with post-remedial residual PCB concentrations at the Site. That cancer risk estimate exceeds USEPA's 1×10^{-6} point of departure for excess lifetime cancer risk following cleanup without land use restrictions. However, the cancer risk estimates for post-remediation exposure to residual arsenic under the land use restrictions imposed by RWQCB exceeds 10^{-5}. Accordingly, removal of PCBs to levels less than 1 mg/kg will not appreciably lower Site-related cancer risks. Additionally, the total cancer risk from the unrestricted exposure to residual PCBs and the exposure to residual arsenic under the land use restrictions imposed by RWQCB is still within the range of 10^{-6} to 10^{-4} considered by USEPA to be protective.

The risk assessments also presents the calculation of a hazard index of 1 for adverse non-cancer health effects associated with post-remediation exposure to PCBs without land use restrictions and post-remediation exposure to arsenic at the Site under the land use restrictions imposed by RWQCB. The areas of elevated arsenic concentrations do not contain elevated PCB levels, so the associated land use restriction is not needed to prevent exposure to PCBs. Accordingly, the hazard index provides the basis for USEPA's conclusion that unrestricted post-remediation exposures to residual PCBs at the Site is expected to be without adverse non-cancer health effects.

USEPA has determined that the PCB cleanup for the Site approved herein will not affect threatened or endangered species or designated critical habitat. Accordingly, no consultation with the U.S. Fish and Wildlife Service will be required.

Conditions of Approval

1. Rhodia must conduct the PCB cleanup and cleanup verification sampling as specified in the Application.
2. Rhodia must remove from the Site soils and concrete with total PCB concentrations exceeding the 1 mg/kg cleanup level.
3. Rhodia must comply with the requirements for notification of PCB Waste Activity and other procedural and record-keeping requirements of the Toxic Substances Control Act regulations in 40 CFR§761 Subparts 202 through 218 (Subpart K of Part 761).
4. The PCB-containing soil and other materials to be removed from the Site must be disposed of as bulk PCB remediation waste in accordance with the requirements in 40 CFR§761.61(a)(5)(i)(B). Disposal of PCB-containing concrete must also comply with the requirements of 40 CFR§761.61(a)(5)(iii).
5. Disposal of other PCB wastes such as personal protective equipment (PPE) must be performed in as specified in 40 CFR§761.61(a)(5)(v).
6. Disposal of all wastes removed during the subject cleanup must be in compliance with all applicable federal, state, and local requirements.
7. Rhodia must submit a cleanup verification report to USEPA within 90 days of completion of the soil and concrete removal activities. The verification report must describe what soils and concrete were removed, provide figures depicting what soils and concrete were removed, describe verification sampling methods and locations, summarize the laboratory analytical results for all PCB verification samples, and provide copies of all laboratory analytical reports.
8. This approval applies only to the PCBs present at the Site. This approval does not address cleanup of other contaminants, e.g., arsenic, present at the Site.

USEPA expects the approved actions to meet the requirements for PCB Cleanup under 40 CFR§761.61(c), subject to confirmation in the cleanup verification report. However, if at some

later date, new information shows that PCBs exceeding the 1 mg/kg cleanup level remain at the Site, USEPA may require additional characterization and / or cleanup of such PCBs.

The Application includes a Health and Safety Plan that USEPA acknowledges but that plan is not covered by this conditional approval.

USEPA accepts the data and calculations presented in the Application as an adequate basis for our approval but may not concur with all statements made therein.

This conditional approval does not change the Rhodia's responsibility to perform characterization or cleanup activities for the RWQCB or any other obligations under any other statute.

We look forward to assisting during Rhodia's implementation of the PCB cleanup as described in the Application and modified by the conditions of approval established above. Please contact John Beach of my staff at 415-972-3347 if you have any questions concerning this conditional approval.

Sincerely,

Arlene Kabei
Associate Director
Waste Management Division

Cc: Mark Johnson, California RWQCB
Steve Armann, USEPA R9
John Beach, USEPA R9